



# MONTANA ADVOCACY PROGRAM, INC.

*The Civil Rights Protection & Advocacy System for the State of Montana*

EXHIBIT 5  
DATE 2/22/07  
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February 22, 2007

The Hon. Rep. Diane Rice, Chair  
House Judiciary Committee

## **HB 442, Admissibility of hearsay statements of a victim with a developmental disability**

Dear Madam Chair and Members of the Committee:

The Montana Advocacy Program supports this bill.

Studies have repeatedly shown that people with developmental disabilities are targets of violent crime at a rate four to ten times greater than the rate for the non-disabled population. Yet, as a 2003 report\* by the California protection and advocacy system concluded:

### **Most crimes against people with developmental disabilities are unreported:**

- One study found that 71% of crimes against people with severe mental retardation go unreported.
- Another study found that 80-85% of criminal abuse of residents in institutions is never reported to the proper authorities.

### **Rates of prosecution and conviction for crimes against people with disabilities are extremely low:**

- 65% of sexual assault cases reported to police were not prosecuted when the victim had a disability, according to one study.
- A Boston study found that only 5% of serious crimes against people with disabilities were prosecuted, compared to 70% for similar crimes against people without disabilities.

Rep. Raser's bill will encourage prosecutors by providing a constitutionally-sound statutory process for getting hearsay statements made by victims with developmental disabilities admitted into evidence in criminal proceedings.

Thank you for considering MAP's testimony.

Sincerely,

Anita Roessmann

\* <http://www.pai-ca.org/PUBS/701901.htm>

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